

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GENXIANG ZHANG, *et al.*,

Plaintiffs,

-against-

HIRO SUSHI AT OLLIES INC., *et al.*,

Defendants.

17cv07066 (JPC) (DF)

**ORDER**

**DEBRA FREEMAN, United States Magistrate Judge:**

This action under the Fair Labor Standards Act and the New York Labor Law having been referred to this Court for general pretrial supervision and to report and recommend on Plaintiffs' pending motion for attorneys' fees against certain defaulting defendants (Dkts. 119, 136); and, in response to a request by this Court for clarification of their motion (Dkt. 138), Plaintiffs having informed this Court that they not only wished to seek attorneys' fees and costs from the defaulting defendants, but also damages, upon a default judgment (*see* Dkt. 139); and Plaintiffs' counsel having subsequently reported to this Court that the parties have reached a resolution in principle of Plaintiffs' claims in this action, it is hereby ORDERED as follows:

1. No later than December 11, 2020, the parties are directed to place their proposed settlement agreement before the Court for approval, pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 1999 (2d Cir. 2015), together with a letter explaining why the parties believe the proposed settlement agreement is fair, reasonable, and adequate. This submission should be directed to the Honorable John P. Cronan, U.S.D.J.

2. By that same date, Plaintiffs are directed to inform this Court as to whether, in light of the parties' proposed settlement, Plaintiffs are voluntarily withdrawing their pending motion for attorneys' fees and costs as against the defaulting defendants (Dkt. 143), as well as

their accompanying request for an assessment of damages to be awarded against those defendants (Dkts. 141, 142). If Plaintiffs report that they still wish to proceed with that motion, then, so as to avoid a double recovery, they should also explain the extent, if any, to which the proposed settlement should be viewed as reducing the fees, costs, and/or damages requested on the motion.

3. Plaintiffs' counsel is directed to serve a copy of this Order on any defendants not currently represented by counsel in this action, by the best means reasonably available, and to file proof of such service on the Docket.

Dated: New York, New York  
November 24, 2020

SO ORDERED

  
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DEBRA FREEMAN  
United States District Judge

Copies to:

All counsel (via ECF)